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10/661,095

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Richard E. Rowe

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EXAMINER

HALL, ARTHUR O

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/661,095	Applicant(s) ROWE, RICHARD E.	
	Examiner ARTHUR O. HALL	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges applicant's amendment of claims 1, 26 and 41, in the Response dated 1/21/2009 directed to the Non-final Office Action dated 8/20/2008. Claims 1-41 are pending in the application and subject to examination as part of this office action.

Examiner acknowledges that applicant's arguments directed to the rejection set forth under 35 U.S.C. 103(a) are deemed unpersuasive in light of the evidence disclosed in the Thacher et al. (US Patent 5,917,725; hereinafter Thacher) reference cited in the Non-final Office Action dated 8/20/2008, in view of applicant's amendments and applicant's arguments made in the Response dated 1/21/2009 directed to the Non-final Office Action dated 8/20/2008. Thus, the rejections under 35 U.S.C. 103(a) are not withdrawn. Therefore, Examiner maintains the grounds of rejection under 35 U.S.C. § 103(a) as set forth below.

Examiner acknowledges that the nonstatutory grounds of the Obviousness-type Double Patenting rejection were not overcome by the applicant because the applicant has not yet filed a terminal disclaimer in anticipation that the rejected claims shall be amended away from the claims of Rowe et al. (U.S. Patent No. 6,969,319; hereinafter Rowe) and Thacher et al. (US Patent 5,917,725; hereinafter Thacher) during prosecution. However, Examiner finds that applicant's amendment of claim 1 does not

Art Unit: 3714

overcome the nonstatutory grounds of the Obviousness-type Double Patenting rejection described in the Non-final office action dated 8/20/2008, and further induces new nonstatutory grounds of Obviousness-type Double Patenting rejection. Therefore, Examiner sets forth a new rejection of claims 1-10 and 13-14 on the grounds of nonstatutory obviousness-type double patenting until such time that claims 1-10 and 13-14 of the present application are no longer unpatentable over claims 1-2, 5-10, 12-13 and 16-17, respectively, of Rowe in view of Thacher.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-10 and 13-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 5-10, 12-13 and 16-17, respectively, of Rowe et al. (U.S. Patent No. 6,969,319; hereinafter Rowe) in view of

Art Unit: 3714

Thacher et al. (US Patent 5,917,725; hereinafter Thacher). Although the conflicting claims are not identical, they are not patentably distinct from each other because every element of claims 1-10 and 13-14 are found in claims 1-2, 5-10, 12-13 and 16-17, respectively, in the disclosure of Rowe and Thacher.

Claims 1-2, 5-10, 12-13 and 16-17 of Rowe discloses every limitation of claims 1-10 and 13-14 of Application No. 10/661,095 with the exception of reciting that the promotional device is associated with a specific player and that there is information used to identify a specific gaming application. However, Rowe discloses that the cashless instrument or ticket voucher or promotional device contains information about the ticket owner or specific player for registering credits (column 2, lines 60-64 and column 3, lines 10-17, Rowe). Moreover, Thacher discloses that a player number and video game identification number are used to authenticate the specific player and enable the specific video game to be played before the player credit is used to wager on play of the specific video game to win a prize (column 6, lines 10-28 and column 6, line 58 to column 7, line 19, Thacher).

Thacher suggests that a device that provides enhanced security authentication for players of tournament games will ensure that the person achieving the score is the person playing and allow tournaments to take place with a large number of players in diverse locations (column 1, lines 31-57, Thacher).

Hence, it would have been obvious to one having ordinary skill in the art to modify claims 1-2, 5-10, 12-13 and 16-17 of Rowe to provide a specific player associated with the game-specific credit and information used to identify a specific

Art Unit: 3714

gaming application and authenticate the specific player so as to enable the specific video game to be played before the player credit is used to wager on play of the specific video game to win a prize as recited in claims 1-10 and 13-14, respectively, of Application No. 10/661,095 because players would have a reason to become dedicated to the gaming environment for playing various games executed by different gaming applications.

The following claim chart shows the claim-to-claim comparison between both the application and patent:

10/661,095	6,969,319
<p>Claim 1: A promotional device for effecting operation of a specific gaming application on a wager-based gaming machine, when the specific gaming application is available for play on the wager-based gaming machine that is in communication with the promotional device, the promotional device configured to store (the gaming application is a game)</p> <p>1) indicia of credit applicable only to the specific gaming application,</p> <p>2) information used to identify a specific player to which operation of the specific gaming application and application of</p>	<p>Claim 1: A promotional device having indicia of game-specific credit associated therewith for effecting operation of game code corresponding to a specific game on a gaming machine which is in communication with the promotional device, the promotional device having machine-readable information encoded therein which both identifies (it would have been obvious at the time of invention that the specific game is a wager-based game since Thacher teaches that credit is used to wager play on the game so as win a prize)</p> <p>the indicia of game-specific credit (the game-specific credit is inherently applicable to a specific gaming application since operation of a specific game is effected by the credit) and</p> <p>relates the game-specific credit to the specific game, the gaming machine being operable to employ the machine-readable</p>

<p>the indicia of credit is limited and (the specific player is associated with the game-specific credit that relates to the specific game or game application)</p> <p>3) information used to identify the specific gaming application wherein the promotional device is configured to enable: 1) an identity of the specific player to be authenticated and 2) an availability of the specific gaming application to be determined prior to the indicia of credit being used on the wager-based gaming machine for only the specific gaming application.</p> <p>Claim 2: The promotional device of claim 1 further comprising visual elements on the promotional device representing the specific gaming application.</p> <p>Claim 3: The promotional device of, claim 1 wherein the promotional device is a printed ticket and wherein the indicia of credit is associated with a bar code on the printed ticket.</p> <p>Claim 4: The promotional device of claim 3 wherein the bar code also identifies the specific gaming application.</p> <p>Claim 5: The promotional device of claim 1 wherein the promotional device is a card having magnetic information stored therein which includes the credit.</p> <p>Claim 6: The promotional device of</p>	<p>information to identify the specific game and limit use of the game-specific credit thereto (it would have been obvious at the time of invention that a specific player is associated with the game-specific credit since Rowe teaches that the player uses their cashless instrument to register credits on the gaming machine).</p> <p>(it would have been obvious at the time of invention to use information to identify a specific gaming application since Thacher discloses that a player number and video game identification number are used to authenticate the specific player and enable the specific video game to be played before the player credit is used to play the specific video game)</p> <p>Claim 2: The promotional device of claim 1 further comprising visual elements on the promotional device representing the specific game.</p> <p>Claim 5: The promotional device of claim 1 wherein the promotional device comprises a printed ticket and wherein the indicia of credit comprises a bar code on the printed ticket.</p> <p>Claim 6: The promotional device of claim 5 wherein the bar code also identifies the specific game.</p> <p>Claim 7: The promotional device of claim 1 wherein the promotional device comprises a card having magnetic information stored therein which includes the indicia of credit.</p> <p>Claim 8: The promotional device of claim</p>
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<p>claim 5 wherein the magnetic information also identifies the specific gaming application.</p> <p>Claim 7: The promotional device of claim 1 wherein the promotional device is a card having a memory embedded therein which stores information corresponding to the credit.</p> <p>Claim 8: The promotional device of claim 7 wherein the information identifies the specific gaming application.</p> <p>Claim 9: The promotional device of claim 1 wherein the gaming machine is part of a gaming network that includes a remote storage device, at least part of the credit being stored in the remote storage device.</p> <p>Claim 10: The promotional device of claim 9 wherein the promotional device identifies the specific player and the part of the credit stored in the remote storage device that is associated with the specific player.</p> <p>Claim 13: The promotional device of claim 1 wherein the promotional device further comprises a wireless transmitter for communicating with the gaming machine.</p> <p>Claim 14: The promotional device of claim 1 further configured to identify a gaming venue in which the promotional device may be employed (a gaming venue is at least one gaming venue).</p>	<p>7 wherein the magnetic information also identifies the specific game.</p> <p>Claim 9: The promotional device of claim 1 wherein the promotional device comprises a card having a memory embedded therein which stores information corresponding to the indicia of credit.</p> <p>Claim 10: The promotional device of claim 9 wherein the information identifies the specific game.</p> <p>Claim 12: The promotional device of claim 1 wherein the gaming machine is part of a gaming network which includes a remote storage device, at least part of the indicia of credit being stored in the remote storage device.</p> <p>Claim 13: The promotional of device of claim 12 wherein the promotional device identifies a user, the part of the indicia of credit stored in the remote storage device being associated with the user.</p> <p>Claim 16: The promotional device of claim 1 wherein the promotional device further comprises a wireless transmitter for communicating with the gaming machine.</p> <p>Claim 17: The promotional device of claim 1 further configured to identify at least one gaming venue in which the promotional device may be employed.</p>
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Examiner maintains and incorporates herein the grounds of rejection of the claims under 35 U.S.C. § 103(a) as described in the Non-final Office Action dated 8/20/2008 because the scope of the claims as amended in the Response dated 1/21/2009 is within the scope of the claims examined in the Non-final Office Action dated 8/20/2008 and because each of the features of applicant's claimed invention as amended continues to be unpatentable or obvious over the prior art.

Examiner acknowledges that the only modifications made herein are directed to clarification of the grounds of rejection of the claims under 35 U.S.C. § 103(a) as described in the Non-final Office Action dated 8/20/2008.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 15, 26 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacher et al. (US Patent 5,917,725; hereinafter Thacher). Features are described by figures with reference characters where necessary for clarity.

Regarding claims 1, 15 and 41, Thacher teaches
a gaming machine, **or**, a promotional device (column 5, lines 56-57 and column 6, lines 10-16 and lines 47-57 and Fig. 1, 6 and 11, Thacher; a central computer/gaming machine is in communication with a terminal and a credit card or promotional device so as to connect a game for tournament game play at any location), comprises:

Art Unit: 3714

circuitry for receiving data from a promotional device, **or in other words**, the promotional device for effecting operation of a specific gaming application on a wager-based gaming machine, when the specific gaming application is available for play on the wager-based gaming machine that is in communication with the promotional device (column 5, line 58 to column 6, line 28, column 6, line 58 to column 7, line 4 and column 8, lines 10-20, Thacher; card readers are disclosed that receive players credit cards having player data, money value/game units for an amount of credit or indicia of credit to play a game and game data stored thereon that causes the central computer to access a video game associated with the player and game data, and it would have been obvious at the time of invention to one having ordinary skill in the art that specific/addressed video game is operated when the game is available for a wager since the central computer queries game activation in a manner that the game would not function unless it was available for use and credit is used to wager play on the game so as win a prize); and

wherein the data includes player identification information for a specific player associated with the promotional device, wherein the data further includes or is used to access an indicia of credit associated with the promotional device and information about a specific gaming application wherein the indicia of credit is applicable only to the specific gaming application device, **or in other words**, the promotional device configured to store 1) indicia of credit applicable only to the specific gaming application, 2) information used to identify a specific player to which operation of the specific gaming application and application of the indicia of credit / credit is limited and 3) information used to identify the specific gaming application (column 6, lines 10-28 and column 7, lines 5-19, Thacher; the players game credit cards are encoded with money value/game units for a player credit amount to be used to wager on a specific/addressed video game, an assigned player number for validation of the player to play the specific/addressed video game, and a video game identification number for the specific game to be played since the video game identification number and assigned player number are received by the central computer from the credit card inserted at the

Art Unit: 3714

terminal by the player so as to associate the stored money value/game units for a particular player credit to start play of the particular addressed video game),

wherein the promotional device is configured to enable: 1) an identity of the specific player to be authenticated and 2) an availability of the specific gaming application to be determined prior to the indicia of credit being used on the wager-based gaming machine for only the specific gaming application (column 7, lines 5-19 and column 8, lines 10-20, Thacher; the video game identification number and player number data are utilized to authenticate the player and player credits before the credits are used for wager on play of the specific video game so as to win a prize); and

a processor configured to (column 6, lines 34-46, Thacher; the central computer inherently has a processor to communication information and execute game play of the video games):

generate play of a wager-based game (column 7, lines 20-43, Thacher; the central computer enables game play with player credits);

determine whether the specific gaming application is available for play on the gaming machine and authenticate the specific player associated with the promotional device; and when the specific gaming application is available and the specific player is authenticated, indicate that the indicia of credit is available to be used for play of the specific gaming application (column 7, lines 5-19, Thacher; the central computer determines whether the specific/addressed video game is available for play by sending a game start signal to the video game after authenticating or validating the player attempting to initiate game play of the specific/addressed video game associated with and stored on the players credit card, and it would have been obvious at the time of invention to one having ordinary skill in the art that the players credit is available for game play of the specific video game once the game is available and the players identity is verified since the central computer sends game start information to a display for a player to realize the game is available for play after the game start sequence of the video game is initiated by the specific/addressed video game and the player number has been authenticated).

Art Unit: 3714

Thacher teaches or suggests an on-line wagering system with encoded game credit cards for solving a common problem of validating the credit of a specific player utilizing a specific game on a specific gaming machine (column 5, line 58 to column 6, line 9 and column 6, line 58 to column 7, line 4, Thacher).

However, while Thacher is silent with regard to the disclosed online connection for effecting operation of a specific gaming application on a gaming site via the Internet when the specific gaming application is available for play on the gaming site, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Thacher in view of the knowledge of one having ordinary skill in the art at the time of invention to try an implementation in which an internet site is utilized in the system of Thacher since it is well known to use a central computer as a website game server offering internet services over a wide area network communicating via modem or cable connections so as to provide a controlled application that does not require a specialized telecommunications network and is more readily available.

Regarding claim 26, the scope of the claim for the method of operating the system is inherent with respect to claims 1, 15 and 41 above in view of the structure disclosed by Thacher since the method is the normal and logical manner by which the system is employed.

Claims 5-8, 12, 14, 37 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacher in view of Sarbin et al. (US Patent 5,179,517; hereinafter

Art Unit: 3714

Sarbin). Features are described by figures with reference characters where necessary for clarity.

Thacher teaches all features of the claimed invention as described above.

However, Thacher does not appear to teach a card having magnetic information stored thereon as claimed. Therefore, attention is directed to Sarbin, which teaches

Regarding claim 5, the promotional device is a card having magnetic information stored therein which includes the credit (column 1, lines 30-38, Sarbin; cards storing magnetic information including credit or other player accounting information is known).

Sarbin suggests that a device that provides a capability to collect specific types and amounts of player information and transfer the information to a slot machine will solve the problem of costly, inaccurate and timely manipulation of data for operating game machines (column 1, lines 12-16 and column 1, line 62 to column 2, line 7, Sarbin).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Thacher in view of the teachings of Sarbin for the purpose of providing the gaming device of Thacher having player game credit card features that are interchangeable with or upgradeable to the magnetic card features disclosed by Sarbin in order to improve the existing costly, inaccurate and timely manipulation of data for operating game machines by providing the capability to

Art Unit: 3714

collect specific types and amounts of player information and transfer the information to a slot machine.

Regarding claim 6, the magnetic information also identifies the specific gaming application (column 1, lines 30-38, Sarbin; magnetic cards enable players to play a specific game).

Regarding claim 7, the promotional device is a card having a memory embedded therein which stores information corresponding to the credit (column 5, lines 29-38 and column 5, line 60 to column 6, line 15, Sarbin).

Regarding claim 8, the information identifies the specific gaming application (column 6, lines 37-56, Sarbin).

Regarding claim 12, the promotional device is configured to be inserted into the gaming machine to facilitate communication with the gaming machine (column 4, lines 19-28, Sarbin).

Regarding claims 14 and 39, the promotional device is configured to identify a gaming venue in which the promotional device may be employed (column 5, lines 55-59, Sarbin; identification of a casino or venue is disclosed).

Regarding claim 37, communicating with the promotional device comprises receiving the promotional device in a receptacle associated with the gaming machine is disclosed (column 4, lines 26-37 and Fig. 3, 44 and 42, Sarbin; a read/write circuit and slot are provided for receiving the card or promotional device).

Regarding claim 40, the at least one gaming venue comprises multiple related gaming venues (column 5, lines 55-59, Sarbin; location of an issuing system for a particular casino is provided).

Claims 16-25 and 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacher in view of Saunders et al. (US Patent 6,340,331; hereinafter Saunders). Features are described by figures with reference characters where necessary for clarity.

Thacher teaches all features of the claimed invention as described above.

However, Thacher does not appear to teach particular features for enabling operation of the game and database features as claimed. Therefore, attention is directed to Saunders, which teaches

Regarding claims 16 and 27, the processor is further configured to enable operation of the gaming application in accordance with the credit if the specific gaming application is associated with the gaming machine and if the identity of the specific player is authenticated (column 6, lines 16-24, column 6, line 64 to column 7, line 53, Saunders; the microprocessor allows the game to be started by the player when gaming machine authorizes the ticket of the specific player for the specific game to be played on the gaming machines).

Saunders suggests that a device that provides a player with a form of money similar to tokens will give the player a feeling of winning something from a particular

Art Unit: 3714

gaming that they may go to another machine and play another game or cash-out at a cashier (column 1, lines 62-67, Saunders).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Thacher in view of the teachings of Saunders for the purpose of providing the gaming device of Thacher having promotional card and gaming machine features that are interchangeable with or upgradeable to features of Saunders that enable operation of the game in order to give a player a winning feeling from a particular game played so that they may either continue to other gaming machines for game play or cash-out with a cashier.

Regarding claims 17 and 30, the processor is configured to authenticate the specific player by determining whether the player identification information associated with the promotional device is consistent with a secondary form of player identification presented to the gaming machine (column 6, lines 16-24, column 7, lines 54-62 and column 8, lines 6-21 and Fig. 6, 200E and 660, Saunders; a ticket or promotional device and player card or secondary form, both containing player identification information, are compared relative to data on the gaming machine or central computer to authenticate the specific player).

Regarding claims 18 and 31, the secondary form of player identification presented to the gaming machine is a player tracking card, biometric information, a PIN number, a driver's license, a smart card, a credit card, a wireless device, or a combination thereof (column 6, lines 16-24, Saunders; the player card is a player tracking card and all other features are obvious variants thereof).

Regarding claims 19 and 32, the indicia of credit associated with the promotional device and information about the specific gaming application on the gaming machine to

Art Unit: 3714

which the promotional device and the credit is limited is stored in a first database, and wherein information associated with the secondary form of player identification is stored in a second database (column 7, lines 1-10, column 7, lines 54-62 and column 8, lines 6-21, Saunders; the information or data for both the ticket and player card is stored in respective memory and separately delivered to a gaming machine or central computer that inherently have a database since a database is required for a computer to manage storing and calculation of data or numbers).

Regarding claims 20 and 33, the first database and the second database are the same (column 6, lines 44-63, column 7, lines 1-10, column 7, lines 54-62 and column 8, lines 6-21, Saunders; the information for the ticket and player card are stored to a database in which it would have been obvious to manage the information separately or combined since management of data is a common programming technique).

Regarding claims 21 and 34, the player identification information stored in the first database is accessible using information from the promotional device, and wherein the information associated with the secondary form of player identification stored in the second database is accessible using information from the secondary form of player identification (column 7, lines 11-53 and column 8, lines 5-20, Saunders; the ticket and player card both allow access to player identification information in a database separately since authentication is independently performed).

Regarding claim 22, the first database and second database are accessible using a player tracking account number (column 8, lines 20-35, Saunders; a player tracking account number or PIN number is disclosed).

Regarding claim 23, the gaming machine is part of a gaming network which includes a remote storage device, at least part of the credit being stored in the remote storage device (column 6, lines 45-63, column 7, lines 1-10 and column 7, lines 54-62

and Fig. 7, 710, Saunders; the gaming machine communicates via an interconnection or network with a central computer to store credit or ticket information to memory).

Regarding claim 24, the circuitry comprises one of a magnetic card reader, a bar code reader, and a wireless receiver (column 5, lines 1-14, Saunders; a barcode reader or scanner is disclosed).

Regarding claim 25, the player identification information is a player tracking account number (column 8, lines 6-35, Saunders; the player ID information is a player PIN or player tracking account number).

Regarding claim 28, disabling operation of the specific gaming application on the gaming machine and refusing to apply the credit toward the specific gaming application if the specific player is not authenticated is disclosed (column 8, lines 21-35, Saunders; if the player PIN is incorrect, the ticket is not validated for credit).

Regarding claim 29, disabling operation of the specific gaming application on the gaming machine and refusing to apply the credit toward the specific gaming application if the specific gaming application is not associated with the gaming machine is disclosed (column 8, lines 6-20, Saunders; if the information on the player card that is inserted into a gaming machine does not correspond to information printed in the bar code, the game is considered not associated with the gaming machine since game play on the specific gaming machine cannot be verified for the specific player's credit).

Regarding claim 35, the gaming machine is part of a gaming network having at least one gaming server associated therewith, and wherein enabling operation of the specific gaming application comprises employing objects associated with the specific gaming application distributed among the gaming machine and the at least one gaming server (column 6, lines 44-63, Saunders; objects or credit associated with the specific game are distributed across the gaming machine and central server).

Regarding claim 36, the network is one of a local area network and a wide area network (column 6, lines 44-63, Saunders; the interconnection between the gaming machine and central computer is a standard local area network since the interconnection is contained within a casino space).

Claims 2-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacher in view of Luciano et al. (US Patent 6,500,067; hereinafter Luciano). Features are described by figures with reference characters where necessary for clarity.

Thacher teaches all features of the claimed invention as described above.

However, Thacher does not appear to teach visual elements and barcode features as claimed. Therefore, attention is directed to Luciano, which teaches

Regarding claim 2, visual elements on the promotional device representing the specific gaming application are disclosed (column 4, line 66 to column 5, line 6 and Fig. 6, 50, Luciano; visual elements such as issuing device are shown).

Luciano suggests that a ticket or voucher system that is flexible so as to provide awards and credit through the voucher system will provide casino's with the ability to create excitement in the gaming environment and stimulate further game play (column 1, lines 29-38, Luciano).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Thacher in view of the teachings of Luciano for the purpose of providing the gaming device of Thacher having gaming card

Art Unit: 3714

and gaming machine features that are interchangeable with or upgradeable to the visual elements and barcode features of Luciano in order to provide a flexible voucher system with award and credit capabilities that will generate excitement in the gaming environment and stimulate further game play.

Regarding claim 3, the promotional device is a printed ticket and wherein the indicia of credit is associated with a bar code on the printed ticket (column 4, line 66 to column 5, line 6 and Fig. 6, 50 and 51, Luciano; the amount or credit of the ticket is associated with a bar code).

Regarding claim 4, the bar code also identifies the specific gaming application (column 5, lines 7-21, Luciano; the barcode contains information for authentication so that the player may play the particular game that is validated).

Regarding claim 9, the gaming machine is part of a gaming network that includes a remote storage device, at least part of the credit being stored in the remote storage device (column 4, lines 1-18 and column 5, lines 22-42, Luciano; a database on the Player Account Server or PAS stores credit information over the network for a voucher or ticket to be used to play games on gaming machines connected to the network).

Regarding claim 10, the promotional device identifies the specific player and the part of the credit stored in the remote storage device that is associated with the specific player (column 4, lines 1-18 and column 5, lines 22-42, Luciano; amount of value and player identifying data is stored in the database of the PAS).

Regarding claim 11, information including the specific gaming application, specific player, and indicia of credit associated with the promotional device is stored in at least one database, and wherein the at least one database is accessible with player

Art Unit: 3714

identification information stored on the promotional device (column 4, lines 1-18 and column 5, lines 22-42, Luciano).

Claims 13 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacher in view of Mish (US Patent 6,254,006). Features are described by figures with reference characters where necessary for clarity.

Thacher teaches all features of the claimed invention as described above.

However, Thacher does not appear to teach wireless features as claimed.

Therefore, attention is directed to Mish, which teaches

Regarding claims 13 and 38, the promotional device further comprises a wireless transmitter for communicating with the gaming machine by receiving a wireless transmission from the promotional device (column 1, lines 29-37, column 3, lines 11-25 and column 4, line 65 to column 5, line 15, Mish; a wireless device is taught that is used with gaming machines).

Mish suggests that a device that provides wireless communication in a product that can be transported by or on a person without reduced electrical power performance will enhance at least the gaming environment by providing wireless connectivity in currently available compact smart cards (column 1, line 63 to column 2, line 16, Mish).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Thacher in view of the teachings of Mish for the purpose of providing the gaming device of Thacher having ticket or voucher

Art Unit: 3714

or card features that are interchangeable with or upgradeable to the wireless features of Mish in order to provide wireless connectivity in the currently available compact smart card devices that can be carried by or on a person.

Response to Arguments

Applicant's arguments filed in the Response dated 1/21/2009 directed to the Examiners' rejection under 35 U.S.C. § 103(a) have been considered fully and are unpersuasive in light of the evidence disclosed in the Thacher reference, in view of applicant's amendments, and in view of applicant's arguments thereof.

Regarding applicant's arguments and amendments concerning claims 1-41 rejected as unpatentable or obvious under 35 U.S.C. § 103(a):

Applicant argues that Thacher does not teach that the credit card stores indicia of credit applicable only to a specific gaming application. Examiner submits that the credit cards used for game play by the player are encoded with money value/game units for a player credit amount to be used to wager on a specific/addressed video game and a video game identification number for the specific game to be played since the video game identification number and assigned player number are received by the central computer from the credit card inserted at the terminal by the player so as to associate the stored money value/game units for particular player credit to start play of the particular addressed video game (column 6, lines 10-28 and column 7, lines 5-19, Thacher).

Applicant argues that Thacher does not teach a wager-based gaming machine for the tournament data system. Examiner submits that the money value/game units that is equivalent to an amount of credit or indicia of credit and stored on the credit card is to be used to wager play of a specific video game via a terminal and central computer in the tournament system so as win a prize (column 5, line 58 to column 6, line 28, column 6, line 58 to column 7, line 4 and column 8, lines 10-20, Thacher).

Applicant argues that the number stored on the credit card in Thacher is not taught to be used to identify the specific gaming application to which the credit is limited. Examiner submits that the players game credit cards are encoded with money value/game units for a player credit amount to be used to wager on a specific/addressed video game, an assigned player number for validation of the player to play the specific/addressed video game, and a video game identification number for the specific game to be played since the video game identification number and assigned player number are received by the central computer from the credit card inserted at the terminal by the player so as to associate the stored money value/game units for a particular player credit to start play of the particular addressed video game (column 6, lines 10-28 and column 7, lines 5-19, Thacher).

Consequently, applicant's arguments have been deemed to be unpersuasive in light of the evidence disclosed in the Thacher reference in light of applicant's

Art Unit: 3714

amendments and in light of applicant's arguments thereof. Hence, Examiner maintains the grounds of rejection of the claims under 35 U.S.C. § 103(a) as described in the Non-final Office Action dated 8/20/2008 because each of the features of applicant's claimed invention continues to be unpatentable or obvious over the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A US-4,882,473, Bergeron et al.

B US-5,429,361, Raven et al.

C US-5,038,022, Lucero

D US-4,575,622, Pellegrini

E US-5,231,568, Cohen et al.

F US-5,265,874, Dickinson et al.

G US-5,919,091, Bell et al.

H US-4,322,612, Lange

I US-4,669,730, Small.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3714

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARTHUR O. HALL whose telephone number is (571)270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. O. H./
Examiner, Art Unit 3714

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714